IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE CIVIL JURISDICTION

CIVIL APPLICATION NO.430 OF 2002
IN
CIVIL REVISION APPLICATION NO.725 OF 1991

Shree Rajasthan Jain Sangh .. Petitioner

v/s.

Mataprasad Singh Bholanath Singh
since deceased by his heirs:

1A.Smt.Ram Dulari wd/o.Mataprasad
Singh & ors. .. Respondents

Ms.Monica D'Souza for Mr.A.K.Abhyankar for the petitioner.

Mr.Rajesh Dixit i/by M/s.V.R.Tripathi & Associates for the respondent.

CORAM : B.H.MARLAPALLE, J.

DATED : 10th October, 2005

P.C.

Civil Revision Application No.725 OF 1991 was admitted by this court on 17.9.91 and on 21.4.1994 when called out for final hearing, none was present for the petitioner and therefore, it came to be dismissed for default.

2. This application has been filed for restoration of the said revision application. By order dated 9.12.2002, this court rejected the prayer for dispensing with an affidavit and clearly stated

that the application could be entertained only after the affidavit in support of the averments made in the application is to be filed on record. It was further directed that the affidavit should be filed within one week, failing which the application should stand dismissed for non-prosecution without reference to the court. During the last about three years, no such affidavit has been filed on record and therefore, in view of the order dated 9.12.2002, this application stood dismissed. No separate order is, therefore, necessary to be passed at this juncture.

(B.H. MARLAPALLE, J.)